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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,651	12/22/2000	Glenn D. Kirwin	99-1013	1536
63710 7590 08/18/2009 DEAN P. ALDERUCCI CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER TINKLER, MURIEL S				
ART UNIT 3691		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/745,651

Applicant(s)

KIRWIN ET AL.

Examiner

MURIEL TINKLER

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-40, 50 and 63-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-40, 50, 63-75 and 76-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been reviewed. The status of the claims are as follows: claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-40, 42-46, 49, 50 and 63-75 were previously pending; claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 42-46, 49, and 70-75 have been cancelled; claims 76-99 have been added; and claims 37-40, 50 and 63-70 have been amended; therefore, claims 37-40, 50, 63-70 and 76-99 are currently pending and have been examined. The rejection(s) are as follows.

Response to Arguments

1. Applicant's arguments, see page 11, filed April 30, 2009, with respect to the 35 USC 101 rejection(s) of claims 37-40, 42-46, 49, 50 and 63-70 have been fully considered and are persuasive. The Applicant has amended the claims to overcome said 35 USC 101 rejection. The 35 USC 101 rejection of claims 37-40, 50 and 63-70 has been withdrawn.
2. Applicant's arguments with respect to claim 37-40, 50 and 63-70 have been considered but are moot in view of the new ground(s) of rejection. The applicant has amended the claims to include claims language based on previous included subject matter (see claims filed on December 22, 2000). The Applicant argues that Tuck does not disclose the newly amended feature: repositioning a cursor in the second interface to be positioned over the button for submitting the trading command. Robertson discloses this feature at Abstract and Col. 1, line 35 to Col. 2, line 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

have modified the trading method of Tuck and Rayhkman with the addition of the automatic positioning feature of Robertson because this would have avoided additional manipulation of the pointing device. This advantage is specifically disclosed by Robertson at Col. 9, lines 53-57 and quoted below:

The system improves the efficiency of operation and enhances the functionality of cursor movement by positioning the cursor at a location that permits the user to perform additional functions without additional manipulation of the cursor control device 18.

Response to Amendment

3. The amendments have been examined against the specification and have been accepted for review.

Claim Rejections - 35 USC § 103

41. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

42. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

43. Claims 37, 38, 40, 50, 63-70, 76, 77, 79-89 and 91-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck (US 6,115,698) in view of Raykhman (US 7,171,386) and in further view of Roberson (EP 0 665 489 A2), hereafter referred to as Tuck, Raykhman and Roberson respectively.

44. Regarding claim 37, Tuck discloses: receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one of a bid variable and an offer variable associated with trading the item, each of the variables selectable for submitting the trading command (figure 21); presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted (figure 22); submitting the trade command for execution in response to a selection of the at least one button.

45. Tuck does not disclose posting data from the first interface in response to a selection of the button in the second interface once and submitting the trade command for execution in response to a selection of the button again. Raykhman teaches this in

figure 4 (element 52) and column 14 (lines 30-36). Particularly, Raykhman discloses the use of buttons (element 52) that allow the user to use the best bid as well as submit a bid or offer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Tuck by allowing the user to obtain the 'best bid' by clicking a button because it saves the user time and provides up-to-the-minute accuracy when making a counter offer against the current best bid.

46. Also, Tuck and Raykhman do not disclose: repositioning a cursor in the second interface to be positioned over the button for submitting the trading command.

Robertson discloses this feature at Abstract and Col. 1, line 35 to Col. 2, line 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the trading method of Tuck and Raykhman with the addition of the automatic positioning feature of Robertson because this would have avoided additional manipulation of the pointing device. This advantage is specifically disclosed by Robertson at Col. 9, lines 53-57 and quoted below:

The system improves the efficiency of operation and enhances the functionality of cursor movement by positioning the cursor at a location that permits the user to perform additional functions without additional manipulation of the cursor control device 18.

47. Regarding 38: The Applicant states that the first interface shows bid price and bid size, while the second interface shows offer price and offer size. Tuck discloses that participants have the ability to display both buy and sell offers, in the Abstract. Tuck also discloses the use of price and size fields in the first and second interface in figure 21, figure 22 and column 10 (lines 28-39), as shown in the Office Action mailed on

September 12, 2006. The Applicant further argues that Tuck teaches posting from a first interface to a second interface based on selection and do not consider trading variables are posted in the second interface based on the selection of the particular trade variables in the first interface. This is clearly untrue. Figure 22 (second interface) is clearly dependent on a selection from figure 21 (first interface). This can be shown in column 10 (lines 34-36), "Upon pressing the Sell button, the Sell Confirmation dialogue box 182, shown in FIG. 22, appears."

48. Regarding claim 40: see the rejection of claim 38 above.

49. Claim 50 discusses the method of claim 40, wherein the trading command comprises a bid command, the at least one button comprises a bid button for confirming the bid command, and the pointing device pointer is repositioned over the bid button. Claim 40 has been rejected based on the discussion(s) above. See the rejection of claim 17.

13. Tuck discloses the information in claims 64, 68 and 69:
- a. receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one of a bid variable and an offer variable associated with trading the item, each of the variables selectable for submitting the trading command (figure 21);

- b. presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted (figure 22) and column 10 (lines 28-52) – see also, the 'Edit Primary Contract Display' which appears when the Edit Primary Contracts button of the User Maintenance screen is pressed in figure 10 and column 6 (lines 13-34), and, Figure 22 (second interface) is dependent on a selection from figure 21 (first interface). This can be shown in column 10 (lines 34-36), "Upon pressing the Sell button, the Sell Confirmation dialogue box 182, shown in FIG. 22, appears.";
 - c. submitting the trade command (i.e. bid command) for execution in response to a selection of the at least one button. See the rejection of claim 37 below;
 - d. a software generated screen displayed after a System Administrator in figure 8 and column 5 (lines 26-38);
 - e. participants have the ability to display both buy and sell offers, in the Abstract;
 - f. the use of price and size fields in the first and second interface in figure 21, figure 22 and column 10 (lines 28-39).
14. Regarding claim 63, Tuck discloses a first interface displays a bid variable and the trading command comprises a bid command submitted by selecting the bid price and size in figure 17 (element 162).

15. Regarding claim 65, Tuck discloses a first interface displays an offer variable and the trading command comprises an offer command submitted by selecting the offer price in figure 17 (see 'Buy' tab).

16. Regarding claim 66: see the rejection of claim 37 above. See also figure 17 (element 162).

17. Regarding claim 67: see the rejection of claim 37 above. See also figure 17 ('Buy' tab).

18. Regarding claims 68 and 69: see the rejection of claim 37 above. See also figure 21--submitting a trading command; presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted (figure 22) and column 10 (lines 28-52)- see also, the 'Edit Primary Contract Display' which appears when the Edit Primary Contracts button of the User Maintenance screen is pressed in figure 10 and column 6 (lines 13-34), and, Figure 22 (second interface) is dependent on a selection from figure 21 (first interface). This can be shown in column 10 (lines 34-36), "Upon pressing the Sell button, the Sell Confirmation dialogue box 182, shown in FIG. 22, appears."; and, submitting the trade command (i.e. bid command) for execution in response to a selection of the at least one button.

19. Regarding claim 76: see the rejection of claim 37 above. Tuck also discloses a computer in figure 61 with a processor and a memory (see column 18 (lines 26-41).
20. Regarding claim 77: see the rejection of claim 38 above.
21. Regarding claim 79: see the rejection of claim 40 above.
22. Regarding claim 80: see the rejection of claim 50 above.
23. Regarding claim 81: see the rejection of claim 63 above.
24. Regarding claim 82: see the rejection of claim 64 above.
25. Regarding claim 83: see the rejection of claim 65 above.
26. Regarding claim 84: see the rejection of claim 66 above.
27. Regarding claim 85: see the rejection of claim 67 above.
28. Regarding claim 86: see the rejection of claim 68 above.
29. Regarding claim 87: see the rejection of claim 69 above.
30. Regarding claim 88: see the rejection of claim 37 above. Tuck also discloses a computer in figure 61 with a processor and a memory (see column 18 (lines 26-41).
31. Regarding claim 89: see the rejection of claim 38 above.
32. Regarding claim 91: see the rejection of claim 40 above.
33. Regarding claim 92: see the rejection of claim 50 above.
34. Regarding claim 93: see the rejection of claim 63 above.
35. Regarding claim 94: see the rejection of claim 64 above.
36. Regarding claim 95: see the rejection of claim 65 above.
37. Regarding claim 96: see the rejection of claim 66 above.

- 38. Regarding claim 97: see the rejection of claim 67 above.
- 39. Regarding claim 98: see the rejection of claim 68 above.
- 40. Regarding claim 99: see the rejection of claim 69 above.

41. Claims 39, 78 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck, Robertson and Raykhman as applied to claim 37 above and in further view of Bates et al. (US 6,809,741), hereafter referred to as Bates.

42. Regarding claim 39: Claim 37 has been rejected based on the discussion(s) above. Tuck does not specifically changing color fields when a pointer passes over a variable. Bates discloses this limitation at Col. 19, lines 27-36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Minton with the coloring of trading information of Bates because draw a trader's attention to the field to assure correctness.

- 43. Regarding claims 78 and 90: see the rejection of claims 37 and 39 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURIEL TINKLER whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 6:30 AM until 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3691

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691